

## **SUPERVISION REQUIREMENTS FOR THE ADMINISTRATION OF CONTROLLED SUBSTANCES**

Earlier this year, the Veterinary Medical Board's (Board) legal counsel determined that in the area of controlled substances administration, the Federal Controlled Substances Act (FCSA) severely restricts the veterinarian's authority to delegate administration of controlled substances. Absent specific regulation to the contrary, the delegation authority is limited to "immediate" (in the physical presence of the licensee) supervision. Immediate supervision is more restrictive than "direct." The conclusion, based on the legal opinion, is that under current law within the Federal Controlled Substances Act, the administration of controlled substances cannot be delegated to either an RVT or an unregistered assistant (UA) unless they are in the physical presence of the licensed veterinarian, unless or until such time that the Board implements regulations to permit otherwise. However, these regulations are further constrained by the FCSA in that unknown persons (lay staff) cannot be authorized to administer controlled substances under indirect supervision.

1. The Federal and California Uniform Controlled Substances Acts are currently in effect and supersede the practice act. Therefore, RVTs and unregistered assistants may not administer a controlled substance unless they are in the immediate physical presence of the veterinarian who has ordered the controlled substance to be administered. Veterinarians, RVTs and unregistered assistants may be subject to criminal prosecution by local or federal enforcement authorities if this law is not followed.
2. The Board adopted regulations on Wednesday, October 18, 2006, which expand the authority of veterinarians to delegate the administration of controlled substances under direct and indirect supervision for RVTs and under direct supervision for unregistered assistants. It will take approximately 6 months for the regulations to go through the regulatory process and become effective.
3. Section 4826(c) refers to "direct supervision" by a veterinarian of both RVTs and unregistered assistants in regard to administration of a drug, medicine, appliance, application or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals subject to Article 2.5 (commencing with Section 4832). In an opinion prepared by legal counsel to the Veterinary Medical Board, the Board was informed that the language in Section 4826(c) referring to Article 2.5 taken together with the language in Section 4836 (a-b) in Article 2.5 is what gives the Board the authority to adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks for both registered veterinary technicians and unregistered assistants.